

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

571D0648

HOUSE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **HB1175** - 2/2/00

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.**

Introduced by: Representatives Hunt and Fiegen and Senator Moore

1 FOR AN ACT ENTITLED, An Act to authorize the Division of Insurance to promulgate rules  
2 regarding the privacy of medical records.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The director of insurance shall promulgate rules pursuant to chapter 1-26, to  
5 protect the privacy of personally identifiable health care and medical information, data, and  
6 records. The rules shall cover health care and medical information, data, and records collected,  
7 used, or disclosed by any person licensed or registered under Title 58 or any person with whom  
8 such licensees or registrants contract, and shall include all health care and medical information,  
9 data, and records received by or in the possession of the Division of Insurance. The rules may  
10 include the following:

- 11 (1) Definition of terms;
- 12 (2) Standards for the protection of the privacy and confidentiality of personally  
13 identifiable health care information and medical records;
- 14 (3) Rules for the collection, use, storage, security, disclosure, release, and disposal of  
15 health care and medical information, data, and records in all forms, including printed  
16 material, plastic media, audio, video, computerized and electronic transmissions;

- 1       (4)   Rules regarding the sale and exchange of health care and medical information, data,  
2           and records;
- 3       (5)   Rules to define the responsibilities and limitations of those needing or requiring access  
4           to health care and medical information, data, and records;
- 5       (6)   Rules for procedures and documents required for the release or transfer of health care  
6           and medical information, data, and records, including the identity of who may release  
7           such information and records and under what conditions and provisions of the law,  
8           as needed to protect the privacy of personally identifiable health care and medical  
9           information, data, and records;
- 10      (7)   Rules for the collection, use, storage, security, disclosure, distribution, release, and  
11          disposal of health care information and medical records obtained, used, or held in  
12          connection with the operation, maintenance, or review of insurance certificates,  
13          contracts, policies, and plans, and health maintenance organizations, subject to the  
14          jurisdiction of the director of insurance.

1    **BILL HISTORY**

2    1/19/00 First read in House and referred to committee assignment waived. H.J. 137

3    1/20/00 Referred to State Affairs. H.J. 160

4    1/24/00 Scheduled for Committee hearing on this date.

5    1/24/00 State Affairs Deferred to another day.

6    1/31/00 Scheduled for Committee hearing on this date.

7    2/2/00 Scheduled for Committee hearing on this date.

8    2/2/00 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 4.